

**THE KILIFI COUNTY PETITION TO COUNTY ASSEMBLY (PROCEDURE) BILL,  
2016**

**ARRANGEMENT OF CLAUSES**

*Clauses*

- 1—Short title
- 2—Interpretation
- 3—Form of petition
- 4—Procedure for presenting petition
- 5—Consideration of petition
- 6—Register of petitions

**SCHEDULE**

Form of Petition

**A Bill for**

**AN ACT of the County Assembly of Kilifi to give effect to section 15 of the County Governments Act on the right to petition a County Assembly; to make provision for the procedure for the exercise of the right pursuant to that section; to enhance public participation in the County Assembly and legislative process and for connected purposes**

**Enacted** by the Kilifi County Assembly as follows—

- Short title                    1. This Act may be cited as the Kilifi County Petition to County Assembly (Procedure) Act, 2016.
- Interpretation                2. In this Act, unless the context otherwise requires—
- "Clerk" means the Clerk of the County Assembly;
- "petition" means a written prayer to the County Assembly made in accordance with this Act;
- "petitioner" means a person who petitions the County Assembly in accordance with the procedure set out in this Act;
- "Register" means the register maintained by the Clerk under section 6; and
- "Speaker" means the Speaker of the County Assembly.
- Form of petition              3. A petition to the County Assembly shall be in the form set out in the Schedule and shall—
- (a) be handwritten, printed or typed;
- (b) be in English or Kiswahili and be written in respectful, decorous and temperate language;
- (c) be free of alterations and interlineations in its text;
- (d) be addressed to the County Assembly;
- (e) have its subject-matter indicated on every sheet if it consists of more than one sheet;
- (f) indicate whether any efforts have been made to have the matter addressed by a relevant body and whether there has been any response from that body or whether the response has been unsatisfactory;
- (g) indicate whether the issues in respect of which the petition is made

are pending before any court of law or other constitutional or legal body;

- (h) conclude with a clear, proper and respectful prayer, reciting the definite object of the petitioner or petitioners in regard to the matter to which it relates;
- (i) subject to paragraph (m), contain the names, addresses, identification numbers, signature or a thumb impression of the petitioner or of every petitioner, where there is more than one petitioner;
- (j) contain only signatures or thumb impressions, as the case may be, and addresses and identification numbers written directly onto the petition and not pasted thereon or otherwise transferred to it;
- (k) not have any letters, affidavits or other documents annexed to it **unless the petition relates to a Bill**;
- (l) in the case of a petition presented by a Member of the County Assembly on behalf of a petitioner, be countersigned by the Member presenting it; and
- (m) be signed by the petitioner, or if the petitioner is unable to sign, by a witness in whose presence the petitioner shall make their mark on the petition.

Procedure for  
presenting  
petition

- 4. (1) A petition to the County Assembly shall be—
  - (a) submitted to the Clerk by the petitioner;
  - (b) presented by a member of the County Assembly on behalf of the petitioner, with the consent of the Speaker.
- (2) Despite subsection (1) (b), a member of the County Assembly shall not be eligible to present a petition on their own behalf.
- (3) The Clerk of the County Assembly shall, within seven days of the date of receipt of the petition, review the petition to ascertain whether the petition meets the requirements of this Act.
- (4) Where the Clerk of the County Assembly considers that a petition does not comply with section 3, the Clerk may give such directions as are necessary to ensure that the petition is amended to comply with that section.

Consideration of  
petition

- 5. (1) The Clerk shall, if satisfied that the petition meets the requirements of

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this Act, forward the petition to the Speaker for tabling in the County Assembly.

(2) A petition that is tabled in the County Assembly under this Act shall be considered in accordance with the Standing Orders of the County Assembly.

(3) The Clerk of the County Assembly shall, in writing, notify the petitioner of the County Assembly's decision within fifteen days of the County Assembly's decision.

Register of  
petitions

6. (1) The Clerk of the County Assembly shall keep and maintain a register in which shall be recorded—

(a) all petitions and supporting documents; and

(b) the decisions of the County Assembly.

(2) The register of petitions referred to under subsection (1) shall be accessible to the public during working hours.

**SCHEDULE**

(Section 3)

**FORM OF PETITION**

**I/We, the undersigned,**

(Here, identify in general terms, who the petitioner or petitioners are, for example, citizens of Kenya, residents of province or region, workers of industry, etc.)

**DRAW the attention of the County Assembly to the following:**

(Here, briefly state the reasons underlying the request for the intervention of the County Assembly by outlining the grievances or problems by summarizing the facts which the petitioner or petitioners wish the County Assembly to consider.)

**THAT**

(Here confirm that efforts have been made to have the matter addressed by the relevant body, and it failed to give satisfactory response.)

**THAT**

(Here confirm that the issues in respect of which the petition is made are not pending before any court of law, or constitutional or legal body.)

**HEREFORE your humble petitioner(s) Pray that the County Assembly—**

(Here, set out the prayer by stating in summary what action the petitioners wish the County Assembly to take or refrain from.)

**And your PETITIONER(S) will ever Pray.**

Name of petitioner	Full Address	National ID. or Passport No.	Signature/Thumb impression
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**PETITION** concerning.....

(Here, repeat the summary in first page)

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Name of petitioner  
Signature/

Thumb impression

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(Subsequent Pages)

**\*This form may contain such variations as the circumstances of each case may require.**

**MEMORANDUM OF OBJECTS AND REASON**

The principal object of this Bill is to give effect to section 15 of the County Governments Act on the right to petition a County Assembly and to make provision for the procedure for the exercise of the right pursuant to that section. The Bill also seeks to enhance public participation in the County Assembly and legislative process in line with the cardinal principle of public participation espoused in the Constitution.

The structure of the Bill is as follows:

Clause 1 states the title of the Bill while clause 2 deals with interpretation of terms as used in the Bill. Among the term defined in this section are “petition” and “petitioner”. Clause 3 provides the form of the petition and sets out what the petition should contain. Clause 4 provides the procedure for presenting the petition while clause 5 sets out the consideration of petition. Under this clause, the Clerk is required to confirm that the petition meets the requirements of this Act before forwarding it to the Speaker for tabling in the County Assembly. Clause 6 provides for a register of petitions. Under this clause, the Clerk is required to keep and maintain a register of petitions. The clause also stipulates that the register must be accessible to the public during working hours.

Dated the ..... 2016

VALENTINE MATSAKI MWAMANGA,  
*Chairperson, Justice and Legal Affairs Committee.*